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# HIGH COURT OF CHHATTISGARH AT BILASPUR

## REVIEW PETITION No 32 of 2007.

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| **Applicant Petitioner Defendant** | : | Deshraj Chaudhary S/o Late Baburam Chaudhary aged about 72 years, Resident of Link Road, Bilaspur (C.G.), at present Residing at Village Abhepur, District Una (Himanchal Pradesh) |
| | | **VERSUS** |
| **Non-Applicant Respondent Plaintiff** | : | Deepak Kumar Saraf S/o Moti Lal Saraf aged about 46 years resident of Link Road, Bilaspur (C.G.) |

APPLICATION U/S 114 R/W. ORDER 47 RULE 1 OF THE CODE OF CIVIL PROCEDURE FOR REVIEW OF THE ORDER DATED 21.03.2007 PASSED BY THE HON'BLE COURT IN WP(C) No. 6860/2006

**Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.**

Present: Shri K.A.Ansari, Sr. Advocate with Smt. Meera Ansari, Advocate for the applicant.

**ORDER**

(Passed on 20th day of June, 2007)

1. The petitioner has filed this petition seeking review of the order dated 21.03.2007 passed by this Court in W.P.(C) No. 6860/2006. The petitioner has pointed out typographical mistake in para 5 that the father of the petitioner did not prefer Civil Appeal No. 3-A/2005 but the said appeal was preferred by the respondent and his father. On perusal of the papers, it is found that the factual typographical mistake pointed out by the learned counsel for the petitioner is correct. Accordingly, para 5 of the order dated 21.03.2007 in W.P (C) No. 6860/2006 is corrected. The present review application seeks re-hearing of the case in the guise of review application which cannot be considered in review application.

2. Contents of para 5 is corrected partially. In place of "The father of the petitioner preferred a Civil Appeal No. 3-A/2005 against the judgment

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and decree dated 15.7.2005 before the District Judge Bilaspur...." the said para be read as under:

"The respondent and his father preferred a Civil Appeal No. 3-A/2005 against the judgment and decree dated 15.7.2005 before the District Judge, Bilaspur."

3. With regard to other contention that this Court has not considered para 6.6 of the writ petition is not correct. This Court, after having considered para 6.6, passed the order as the petition was filed under Article 227 of the Constitution, wherein the scope of interference by this Court is limited to the extent jurisdiction of judicial review of the order passed by the Court below, in the event, there is manifest and apparent error on the face of the proceedings based on the clear ignorance or utter disregard to the provisions of law or there is grave failure of justice or grave injustice has occasioned thereby. Further, this Court can also entertain the petition if there is perversity, irregularity or illegality in the process of decision, not in the decision itself.

4. The petitioner has not pointed out any manifest error on the record and the petitioner has not further brought into the notice, any new fact which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure, even in exercise of review jurisdiction by the High Court under Article 226 of

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the Constitution of India. The applicant has not produced any new ground for review except the same ground which have been considered and decided in the writ petition.

5. Principle of law is well settled by several judicial pronouncements of the Hon'ble Supreme Court in the cases of Smt. Meera Bhanjan Vs. Smt. Nirmala Kumar Choudhary[1], Lily Thomas, etc. Vs. Union of India and others[2], Ajit Kumar Rath Vs. State of Orissa and Others[3], Government of T.N. and others Vs. M.Ananchu Asari and others[4], and Kerla State Electricity Board Vs. Hiech Electrothermics & Hydropower Ltd. and Others[5].

6. As a result and in view of the foregoing, this review petition is allowed to the above extent i.e. the typographical mistake in para 5 of the order dated 21.03.2007 is corrected / modified accordingly.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

1. AIR 1995 SC 455
2. AIR 2000 SC 1650
3. AIR 2000 SC 85
4. (2005) 2 SCC 332
5. (2005) 6 SCC 651

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